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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,799	04/27/2001	Tatsuya Suzuki	501.39952X00	7386

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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

EXAMINER

GREIMEL, JOCELYN

ART UNIT	PAPER NUMBER
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3693

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/842,799

Applicant(s)

SUZUKI ET AL.

Examiner

Jocelyn Greimel

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The following Office Action is in response to Applicant's Amendment filed 22 December 2006.

Status of Claims

2. Claims 15-17 are currently pending. Claims 1-14 have been canceled.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 15-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Heissenbuttel et al (US Patent No. 6,993,503, hereinafter Heissenbuttel). In reference to claims 15-16, Heissenbuttel discloses a transaction method including:

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- a. receiving registration demands from purchasing firms and supplier firms, and registering each firm's information (abstract; col. 1-7);
- b. providing a privilege for the purchasing firms and the supplier firms to access quality calculation programs (col. 1-7);
- c. receiving from each purchasing firm and registering, at least product type information, requested quantity, and requested delivery date of products or parts that the purchasing firm hopes for purchase, and an index for the capability for achieving quality for the supplied product that a supplier firm should have in order to supply a product of a quality level requested by the purchasing firm, that is calculated using the quality calculation programs (col. 1-7);
- d. receiving from each supplier firm and registering, the information that relates to products or parts that each supplier firm wishes to supply, and an index for the capability for achieving quality for the supplied product of the production plant of each supplier firm, that is calculated using the quality calculation programs (col. 1-7, 10, 12; especially col. 6, line 21+);
- e. calculating an index for the capability for achieving quality for the supplied product that a supplier firm should have in order to supply a product of a quality level requested by the purchasing firm, using quality calculation programs based on the information received from the purchasing firm (col. 1-7, 10, 12; especially col. 6, line 21+);
- f. calculating an index for the capability for achieving quality for the supplied product of the production plant of each supplier firm, using quality calculation programs based on the information received from the supplier firm (col. 1-7, 10, 12; especially col. 6, line 21+);
- g. selecting supplier firms having the products or parts that can be supplied and an index for the capability for achieving quality for the supplied product of the production plant of each supplier firm, that satisfy product type information an requested quantity of products or parts that the purchasing firm hopes for purchase, and an index for the capability for achieving quality for the supplied product that the supplier firm should have in order to supply a

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product of a quality level requested by the purchasing firm (col. 1-7, 10, 12; especially col. 6, line 21+);

h. providing at least product type information, requested quantity, and requested delivery date of products or parts that the purchasing firm hopes for purchase, to selected supplier firms (col. 1-7, 10, 12; especially col. 6, line 21+); and

i. providing to the purchasing firm, the information that relates to the selected supplier firm that communicates a desire to transact with the purchasing firm, and products or parts that the supplier firm wishes to supply (col. 1-7, 10, 12; especially col. 6, line 21+).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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7. **Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heissenbuttel in view of Official Notice.** In reference to claim 17, Heissenbuttel discloses a method for mediating transactions as described above, wherein the mediation website accesses quality information for the various products and provides this information. In Heissenbuttel the 'quality' calculation is the 'star rating' of the hotel. It appears that the mediation website (or in Heissenbuttel the 'allocation system') obtains this information from abroad. The website users can use the quality calculation in the mediation process. However, Heissenbuttel does not disclose:

j. one way for a firm registered on the inter-firm transaction mediation web site to obtain access privileges for the quality calculation programs is to have the quality calculation programs downloaded from the inter-firm transaction mediation web site so that they can be used, and

k. another method is to allow the quality calculation programs to be used from a web page of the inter-firm transaction mediation web site.

The Examiner takes Official Notice that accessing information via a transaction website or a downloaded from a transaction website is old and well known in the computer/data processing art and in the online commerce environment. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to have modified the transaction website method of Heissenbuttel with the information quality calculation programs via a transaction website or via a download from a transaction website because quality is one of the transaction parameters and entities using the transaction website could then calculate the quality of the potential product for use in the transaction process. It is noted that the entities could also simply use the quality calculation provided by the transaction website.

Response to Arguments

8. The objection to the Specification is withdrawn in light of Applicant's amendments to the Specification filed 22 December 2006.

1. Applicant's arguments with respect to the claims (previously claims 1-14, currently claims 15-17) have been fully considered by are not persuasive. The Examiner is entitled to give the claim limitations their broadest reasonable interpretation in light of the Specification (see below):

Claim Interpretation; Broadest Reasonable Interpretation:

<CLAIMS MUST BE GIVEN THEIR BROADEST REASONABLE INTERPRETATION

During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541, 550-51 (CCPA 1969).>

Specifically, in response to Applicant's argument that Heissenbuttel does not disclose "purchasing firms and the supplier firms to access quality calculation programs", please see col. 6 and the rating system. In response to Applicant's argument that Heissenbuttel does not disclose "the quality capability of a supplier firm for a product type and product item, can have a specific value and can be a condition for the transaction", please see col. 6 and the rating system.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jocelyn Greimel whose telephone number is (571) 272-3734. The examiner can normally be reached Monday - Friday 8:30 AM - 4:30 PM EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached at (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jocelyn Greimel
Examiner, Art Unit 3693
March 19, 2007


JAMES A. KRAMER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

3/21/07